

and propylene oxide based on ethylene glycol, propylene glycol, glycerol, trimethylolpropane, or ethylenediamine, and mixtures thereof.

59-A composition according to Claim 53, wherein the nonionic polyhydric compound is a polyol having from 2 to 8 hydroxy groups.

60-A composition according to Claim 53, wherein said nonionic polyhydric compound is selected from glycerol, ethylene glycol, propylene glycol, diethylene glycol, dipropylene glycol, sorbitol, erythritol or mixtures thereof.

#### REMARKS

In the Office Action mailed August 3, 2001, Claim 1 was rejected under 35 U.S.C. §112, first paragraph, and Claims 1 and 22-52 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vogel, et al.

#### **Rejections under 35 U.S.C. §112**

Claim 1 stands rejected under 35 U.S.C. §112, first paragraph, based on the allegation that the specification "does not reasonably provide enablement for a composition comprising polyhydric alcohol, a humectant and a carrier." See Page 2 of Paper No. 5. Applicants would point out that the claimed compositions includes among other components, a wrinkle reducing active that comprises (1) a nonionic polyhydric alcohol humectant and (2) a water-soluble wetting agent. As disclosed on pages 10-12 of the specification, low molecular weight polyols are typical examples of this nonionic polyhydric alcohol humectant. Thus, polyols are a typical example of the humectant component.

In that each component of Applicants' claims is well described in the specification, it is unclear why the specification is not deemed to be enabling of the claimed compositions and methods of the present invention. If the above clarification does not overcome this §112 rejection, Applicants respectfully request additional detail concerning each claim element that is deemed not to be enabled by this specification. However, Applicants maintain that the specification does provide reasonable enablement of the claimed compositions and methods and respectfully requests withdrawal of the rejection of Claim 1 under 35 U.S.C. §112, first paragraph.

#### **Rejections under 35 U.S.C. 103(a)**

Claims 1 and 22-52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Vogel, et al.

Vogel, et al. teach a wrinkle reducing composition that comprises a silicone compound and a film-forming polymer. Amongst other optional components, the compositions may comprise an anti-static agent such as a choline ester having one of two

described structures. See col. 11, lines 17-48. Notably however, there is no teaching or suggestion in the Vogel reference that these choline esters would provide any benefit or function other than as an antistatic agent. Further, there is no teaching or suggestion in the reference that these antistatic agents could provide a wrinkle reducing benefit when present in a composition comprising a nonionic polyhydric alcohol humectant and a liquid aqueous carrier.

Claim 1 has been amended such that the wrinkle reducing composition further comprises at least one material selected from the group consisting of a salt, an uncomplexed cyclodextrin, and lubricant. These materials were previously recited in claims 38 through 40, which have been cancelled without prejudice. The Vogel reference contains no teaching or suggestion concerning the use of any of these materials in a silicone and film-forming polymer composition such as is taught therein. As such, Applicants maintain that Claim 1 as amended is not unpatentable over Vogel, et al.

Claim 42 has been amended to clarify the nature of the polyalkeneoxide polysiloxane surfactant and block copolymers. Support in the specification for this amendment is found beginning on page 32.

Claim 45 has been amended to eliminate the dependency from claim 1. Although Vogel, et al. teach the use of choline esters as antistatic agents, the reference contains no teaching or suggestion concerning the use of these materials as wrinkle reducing actives. In short, the Vogel reference does not teach or render obvious a wrinkle reducing composition comprising a polyhydric alcohol and wetting agent as the wrinkle reducing active and a liquid aqueous carrier. Claim 46 has been amended similarly.

Claim 47 has been amended to change its dependency and Claim 48 has been amended to correct the error pointed out in the Office Action.

New Claim 53 and dependent claims 54-60 have been added. As noted above, the Vogel reference does not teach the use of choline esters as wrinkle reducing actives. Further, the choline esters taught in Vogel are structurally different from the choline esters that are described in the captioned application. Critically, the Vogel reference contains no teaching or suggestion to one skilled in the art that the disclosed choline ester antistatic agents could or should be modified to render them suitable for use as wrinkle reducing actives. Therefore, new Claim 53 has been added to recite that when the wetting agent comprises a choline ester, that material must have the recited structure. Support for this amendment is found in the original claims and in the specification beginning on page 3.

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Attached hereto is a marked-up version of the changes made to the Claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

In light of the amendments to the claims and the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC 112, and 103. Early and favorable action in the case is respectfully requested.

Respectfully submitted,



Frank C. Turner  
Attorney for Applicants  
Registration No. 39,863  
(513) 626-3388

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Customer No. 27752

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

- 1- (Amended) A wrinkle reducing composition, comprising:
- A. a wrinkle reducing active, comprising a nonionic polyhydric alcohol humectant and a water-soluble wetting agent selected from a cationic surfactant, a non-alkoxylated nonionic surfactant and an anionic surfactant; [and]
  - C. a material selected from the group consisting of a salt, uncomplexed cyclodextrin, and a lubricant selected from a water-insoluble cationic softener, nonionic softener selected from cyclomethicones, fatty acid esters of mono- or polyhydric alcohols or anhydride thereof containing from 1 to 8 carbon atoms; and
- C.[B.] a liquid aqueous carrier.
- 42- (Amended) A composition according to claim 41, wherein said alkoxylated non-ionic surfactant [composition further] comprises
- a polyalkyleneoxide polysiloxane surfactant,  
a block copolymer of ethylene oxide and propylene oxide based on ethylene glycol, propylene glycol, glycerol, trimethylolpropane, or ethylenediamine, or [and] mixtures thereof.
- 45- (Amended) A method for reducing or removing wrinkles on fabrics which comprises the steps of contacting the fabrics with a composition comprising
- A. a wrinkle reducing active, comprising a nonionic polyhydric alcohol humectant and a water-soluble wetting agent selected from a cationic surfactant, a non-alkoxylated nonionic surfactant and an anionic surfactant; and
  - B. a liquid aqueous carrier [as defined in Claim 1].
- 46- (Amended) A method for reducing or removing wrinkles on fabrics and malodours on fabrics which comprises the steps of contacting the fabrics with a composition comprising
- A. a wrinkle reducing active, comprising a nonionic polyhydric alcohol humectant and a water-soluble wetting agent selected from a cationic surfactant, a non-alkoxylated nonionic surfactant and an anionic surfactant;
  - B. an uncomplexed cyclodextrin; and
  - C. a liquid aqueous carrier [as defined in Claim 40].

47-(Amended) A method according Claim 45 [46], wherein the composition is contacted with the fabrics by means of a spray dispenser.

48- (Amended) A method according to [anyone of] Claim 45, wherein the fabrics are placed into a dewrinkling apparatus.